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Security Council

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Resolution 2196 (2015)

Adopted by the Security Council at its 7366th meeting, on 22 January 2015

The Security Council,

Recalling its previous resolutions and statements on the Central African Republic (CAR), in particular resolutions 2121 (2013), 2127 (2013), 2134 (2014) 2149 (2014) and 2181 (2014), as well as the Presidential Statement S/PRST/2014/28 of 18 December 2014,

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of the CAR, and recalling the importance of the principles of non-interference, good-neighbourliness and regional cooperation,

Recalling that the Central African Republic bears the primary responsibility to protect all populations within its territory from genocide, war crimes, ethnic cleansing and crimes against humanity,

Emphasizing that any sustainable solution to the crisis in the CAR should be CAR-owned, including the political process, and should include the restructuring of the Central African Republic security forces,

Reiterating its call upon the Transitional Authorities to accelerate the transition process, including its action towards an inclusive and comprehensive political dialogue and reconciliation process and towards the holding of free, fair, transparent and inclusive presidential and legislative elections no later than August 2015, with the full, effective and equal participation of women,

Commending the African-led International Support Mission to the Central African Republic (MISCA), Sangaris and EUFOR RCA for the work done in laying the foundation for increased security ahead of and in support of the United Nations Integrated Multi-dimensional Mission to the CAR (MINUSCA)'s deployment, *noting also with concern*, however, that while improving, security in the CAR remains fragile,

Welcoming the decision of the European Union to establish a one-year military advice mission based in Bangui (EUMAM-RCA), as requested by the CAR transitional authorities, in order to contribute to providing them with expert advice on reforming the CAR Armed Forces (FACA) into a multi-ethnic, professional, and

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republican armed forces, and *underlines* the importance of a clear distribution of tasks and close coordination between the international forces or missions in the CAR and the lead role of MINUSCA in this regard, and *further requests* that this information is included in the regular reporting of the Secretary-General on MINUSCA,

Welcoming the United Nations Secretary-General Report of 1 December 2014 (S/2014/857) submitted pursuant to resolution 2149 (2014),

Welcoming also the interim and final reports (S/2014/452 and S/2014/762) of the Panel of Experts on the Central African Republic established pursuant to resolution 2127 (2013) and expanded and extended pursuant to resolution 2134 (2014),

Taking note of the final report of the United Nations International Commission of Inquiry (S/2014/928) of 22 December 2014,

Strongly condemning the resurgence of violence, which was politically or criminally motivated, that occurred in October 2014 in Bangui; the continuous cycle of provocations and reprisals by armed groups, both inside and outside of Bangui; the threats of violence, human rights violations and abuses and international humanitarian law violations, including those involving extrajudicial killings, enforced disappearances, arbitrary arrests and detention, torture, sexual violence against women and children, rape, recruitment and use of children and attacks against civilians, attacks against places of worship, and denial of humanitarian access, committed by armed elements, which continue to adversely affect the dire humanitarian situation faced by the civilian population and to impede humanitarian access to vulnerable populations,

Equally condemning the targeted attacks against the Transitional Authorities as well as those against MINUSCA, Sangaris and EUFOR RCA troops during the October events in Bangui, *underlining* that attacks targeting peacekeepers are among the designation criteria in paragraph 10 of this resolution and may constitute a war crime and *reminding* all parties of their obligations under international humanitarian law,

Reiterating that all perpetrators of such acts must be held accountable and that some of those acts may amount to crimes under the Rome Statute of the International Criminal Court (ICC), to which the CAR is a State party, *noting* in this regard the opening by the Prosecutor of the International Criminal Court on 24 September 2014 of an investigation following the request of the national authorities on alleged crimes committed since 2012 and *welcoming* the ongoing cooperation by the CAR Transitional Authorities in this regard,

Expressing grave concern at the findings of the Panel of Experts' final report of 29 October 2014 (S/2014/762) that, armed groups continue to destabilize the CAR and to pose a permanent threat to the peace, security and stability of the country, and *further expressing concern* that illicit trade, exploitation and smuggling of natural resources including gold, diamonds and wildlife poaching and trafficking continues to threaten the peace and stability of CAR,

Noting with concern the findings of the Panel of Experts' final report that the Lord's Resistance Army (LRA) remains active in the CAR and that it has established links to other armed groups,

Stressing the urgent and imperative need to end impunity in the CAR and to bring to justice perpetrators of violations of international humanitarian law and of abuses or violations of human rights, *underlining* in this regard the need to bolster national accountability mechanisms and to implement without delay the 7 August 2014 Memorandum of Understanding (MoU) on Urgent Temporary Measures, which describes, in particular, the establishment of a national Special Criminal Court in charge of investigating and prosecuting the serious crimes committed in the CAR, including through the adoption of the necessary legislation by the Transitional Authorities,

Emphasizing the risk of the situation in the CAR providing a conducive environment for transnational criminal activity, such as that involving arms trafficking and the use of mercenaries as well as a potential breeding ground for radical networks,

Acknowledging in this respect the important contribution the Council-mandated arms embargo can make to countering the illicit transfer of arms and related materiel in the CAR and its region, and in supporting post-conflict peacebuilding, disarmament, demobilization and reintegration and security sector reform, *recalling* its resolutions 2117 (2013) and 2127 (2013) and expressing grave concern at the threat to peace and security in the CAR arising from the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons, and the use of such weapons against civilians affected by armed conflict,

Recalling the need for an inclusive and effective disarmament, demobilization and reintegration process (DDR) as well as repatriation and resettlement (DDRRR) in the case of foreign fighters, including children formerly associated with armed forces and groups, while respecting the need to fight impunity,

Recalling its decision to establish a sanctions regime pursuant to resolutions 2127 (2013) and 2134 (2014) and *emphasizing* that the targeted sanctions aim at, inter alia, individuals and entities designated by the Committee established pursuant to resolution 2127 (2013) and expanded pursuant to resolution 2134 (2014) as engaging in or providing support for acts that undermine the peace, stability or security of the CAR, that impede the political transition process or that fuel violence and at individuals and entities designated by the Committee as involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law or that constitute human rights abuses or violations,

Noting the critical importance of effective implementation of the sanctions regime, including the key role that neighbouring States, as well as regional and subregional organizations, can play in this regard and *encouraging* efforts to further enhance cooperation,

Determining that the situation in the CAR continues to constitute a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

Arms embargo

1. *Decides* that, through 29 January 2016, all Member States shall continue to take the necessary measures to prevent the direct or indirect supply, sale or transfer to the CAR, from or through their territories or by their nationals, or using

their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories, and decides further that this measure shall not apply to:

(a) Supplies intended solely for the support of or use by MINUSCA, the African Union-Regional Task Force (AU-RTF), and the European Union Missions and French Forces deployed in the CAR;

(b) MINUSCA, the AU-RTF, the European Union Missions and French Forces operating in the CAR to provide organizational advice or non-operational training to the CAR government forces and as relevant to the implementation of their mandates, and *requests* these forces to report on measures taken in this regard as part of their regular reports to the Council;

(c) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee;

(d) Protective clothing, including flak jackets and military helmets, temporarily exported to the CAR by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

(e) Supplies of small arms and other related equipment intended solely for use in international patrols providing security in the Sangha River Tri-national Protected Area to defend against poaching, smuggling of ivory and arms, and other activities contrary to the national laws of the CAR or the CAR's international legal obligations;

(f) Supplies of arms and other related lethal equipment to the CAR security forces, intended solely for support of or use in the CAR process of SSR, as approved in advance by the Committee; or

(g) Other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee;

2. *Decides* to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraph 1 of this resolution, seize, register and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer or export of which is prohibited by paragraph 1 of this resolution and *decides* further that all Member States shall cooperate in such efforts;

3. *Reiterates its call* upon the transitional authorities, with the assistance of MINUSCA and international partners, to address the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons in the CAR, and to ensure the safe and effective management, storage, and security of their stockpiles of small arms and light weapons and the collection and/or destruction of surplus, seized, unmarked, or illicitly held weapons and ammunition and further stresses the importance of incorporating such elements into SSR and DDRRR programmes;

Travel ban

4. *Decides* that, through 29 January 2016, all Member States shall continue to take the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

5. *Decides* that the measures imposed by paragraph 4 above shall not apply:

(a) Where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation;

(b) Where entry or transit is necessary for the fulfilment of a judicial process;

(c) Where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace and national reconciliation in the CAR and stability in the region;

6. *Emphasizes* that violations of the travel ban can undermine the peace, stability or security of the CAR and *observes* that individuals who knowingly facilitate the travel of a listed individual in violation of the travel ban may be determined by the Committee to have met the designation criteria provided for in this resolution;

Asset freeze

7. *Decides* that all Member States shall, through 29 January 2016, continue to freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and *decides further* that all Member States shall continue to ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities designated by the Committee;

8. *Decides* that the measures imposed by paragraph 7 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services in accordance with national laws, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee; or

(c) To be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee, and has been notified by the relevant State or Member States to the Committee;

9. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 7 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;

10. *Decides* that the measures in paragraph 7 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the relevant States have determined that the payment is not directly or indirectly received by a person or entity designated pursuant to paragraph 7 above, and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, 10 working days prior to such authorization;

Designation criteria

11. *Decides* that the measures contained in paragraphs 4 and 7 shall apply to the individuals and entities designated by the Committee as engaging in or providing support for acts that undermine the peace, stability or security of the CAR, including acts that threaten or violate transitional agreements, or that threaten or impede the political transition process, including a transition toward free and fair democratic elections, or that fuel violence;

12. *Further decides* in this regard that the measures contained in paragraphs 4 and 7 shall also apply to the individuals and entities designated by the Committee as:

(a) acting in violation of the arms embargo established in paragraph 54 of resolution 2127 (2013) and extended by paragraph 1 of this resolution, or as having directly or indirectly supplied, sold, or transferred to armed groups or criminal networks in CAR, or as having been the recipient of arms or any related materiel, or any technical advice, training, or assistance, including financing and financial assistance, related to violent activities of armed groups or criminal networks in CAR;

(b) involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, in the CAR, including acts involving sexual violence, targeting of civilians, ethnic- or religious-based attacks, attacks on schools and hospitals, and abduction and forced displacement;

(c) recruiting or using children in armed conflict in the CAR, in violation of applicable international law;

(d) providing support for armed groups or criminal networks through the illicit exploitation or trade of natural resources, including diamonds, gold, wildlife as well as wildlife products in or from the CAR;

(e) obstructing the delivery of humanitarian assistance to CAR, or access to, or distribution of, humanitarian assistance in CAR;

(f) involved in planning, directing, sponsoring, or conducting attacks against UN missions or international security presences, including MINUSCA, the European Union Missions and French operations which support them;

(g) being leaders of an entity that the Committee has designated pursuant to paragraphs 36 or 37 of resolution 2134 (2014) or this resolution, or having provided support to, or acted for or on behalf of, or at the direction of, an individual or an entity that the Committee has designated pursuant to paragraphs 36 or 37 of resolution 2134 (2014) or this resolution, or an entity owned or controlled by a designated individual or entity;

Sanctions Committee

13. *Decides* that the mandate of the Committee established pursuant to paragraph 57 of resolution 2127 (2013) shall apply with respect to the measures imposed in paragraphs 54 and 55 of resolution 2127 (2013) and paragraphs 30 and 32 of resolution 2134 (2014) extended by this resolution;

14. *Emphasizes* the importance of holding regular consultations with concerned Member States, as may be necessary, in order to ensure full implementation of the measures set forth in this resolution;

Panel of Experts

15. *Expresses* its full support for the Panel of Experts on the Central African Republic established pursuant to paragraph 59 of resolution 2127 (2013);

16. *Decides* to extend the mandate of the Panel of Experts until 29 February 2016 and, *expresses its intent* to review the mandate and take appropriate action regarding further extension no later than 29 January 2016 and *requests* the Secretary-General to take the necessary administrative measures as expeditiously as possible to support its action;

17. *Decides* that the mandate of the Panel of Experts shall include the following tasks, to:

(a) Assist the Committee in carrying out its mandate as specified in this resolution, including through providing the Committee with information relevant to the potential designation at a later stage of individuals or entities who may be engaging in the activities described in paragraphs 11 and 12 above;

(b) Gather, examine and analyse information from States, relevant United Nations bodies, regional organizations and other interested parties regarding the implementation of the measures decided in this resolution, in particular incidents of non-compliance;

(c) Provide to the Committee a midterm update no later than 30 July 2015 and a final report to the Security Council, after discussion with the Committee, by 31 December 2015 on the implementation of the measures imposed by

paragraphs 54 and 55 of resolution 2127 (2013) and paragraphs 30 and 32 of resolution 2134 (2014) renewed by paragraphs 1, 2, 4 and 7 of this resolution;

(d) Submit progress updates to the Committee, especially in situations of urgency, or as the Panel deems necessary;

(e) To assist the Committee in refining and updating information on the list of individuals and entities designated by the Committee pursuant to the criteria renewed by paragraphs 11 and 12 above including through the provision of biometric information and additional information for the publicly available narrative summary of reasons for listing;

(f) To assist the Committee by providing information regarding individuals and entities that may meet the designation criteria in paragraphs 11 and 12 above, including by reporting such information to the Committee, as it becomes available, and to include in its formal written reports, the names of potential designees, appropriate identifying information, and relevant information regarding why the individual or entity may meet the designation criteria in paragraphs 11 and 12 above;

18. *Calls upon* the Panel of Experts to cooperate actively with other Panels or Groups of Experts established by the Security Council, as relevant to the implementation of their mandate;

19. *Expresses* particular concern about reports of illicit trafficking networks which continue to fund and supply armed groups in the CAR, and *encourages* the Panel, in the course of carrying out its mandate, to devote special attention to the analysis of such networks;

20. *Urges* the CAR, its neighbouring States and other member States of the International Conference on the Great Lakes Region (ICGLR) to cooperate at the regional level to investigate and combat regional criminal networks and armed groups involved in the illegal exploitation and smuggling of natural resources including gold, diamonds and wildlife poaching and trafficking;

21. *Urges* all parties, and all Member States, as well as international, regional and subregional organizations to ensure cooperation with the Panel of Experts and the safety of its members;

22. *Further urges* all Member States and all relevant United Nations bodies to ensure unhindered access, in particular to persons, documents and sites in order for the Panel of Experts to execute its mandate;

23. *Requests* the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative for Sexual Violence in Conflict to continue sharing relevant information with the Committee in accordance with paragraph 7 of resolution 1960 (2010) and paragraph 9 of resolution 1998 (2011);

Reporting and review

24. *Calls upon* all States, particularly those in the region and those in which designated individuals and entities designated are based, to regularly report to the Committee on the actions they have taken to implement the measures imposed by paragraphs of the measures imposed by paragraphs 54 and 55 of resolution 2127

(2013) and paragraphs 30 and 32 of resolution 2134 (2014) renewed by paragraphs 1, 2, 4 and 7 of this resolution;

25. *Affirms* that it shall keep the situation in the CAR under continuous review and that it shall be prepared to review the appropriateness of the measures contained in this resolution, including the strengthening through additional measures, in particular the freezing of assets, modification, suspension or lifting of the measures, as may be needed at any time in light of the progress achieved in the stabilization of the country and compliance with this resolution;

26. *Decides* to remain actively seized of the matter.